

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAULA BAILEY, et al.,

Plaintiff,

v.

HEIDI WASHINGTON, et al.,

Defendant.

Case No. 2:19-cv-13442

HONORABLE STEPHEN J. MURPHY, III

**STIPULATED ORDER STAYING
DISCOVERY AND MOOTING MOTION TO QUASH [204]**

The parties hereby stipulate and agree that a stay of discovery is appropriate in the above-captioned case, mooted Defendants' motion to quash, and the parties hereby request a stay as outlined below:

Whereas Plaintiffs filed their second amended class complaint on September 15, 2023, ECF No. 161. This filing was preceded by a significant stay in discovery pending mediation, the Court's grant of Defendants' motion for judgment on the pleadings, as well as briefing on a previous motion to dismiss and motion for summary judgment;

Whereas on January 23, 2024, the Court issued a schedule, along with its order on Plaintiffs' motion to compel an answer, closing discovery on September 27, 2024, ECF No. 174;

Whereas Plaintiffs issued and amended a subpoena to the Michigan Department of Corrections (“MDOC”) to take its deposition pursuant to Rule 30(b)(6) on February 21, 2024, *see* ECF No. 186-2;

Whereas Defendants moved again for judgment on the pleadings on May 8, 2024, ECF No. 184, and filed an accompanying motion to stay, ECF No. 185, which Plaintiffs opposed, ECF Nos. 186–87. These motions remain pending before this Court;

Whereas Defendants filed a second motion for summary judgment and an accompanying motion to stay, ECF No. 177–78, which the Court denied on June 26, 2024, ECF No. 191;

Whereas Defendants moved for an evidentiary hearing to address the issues that were the subject of their motion for summary judgment, ECF No. 192. Plaintiffs did not oppose this request, ECF No. 193, and the Court scheduled an evidentiary hearing for October 30, 2024, ECF No. 201;

Whereas the MDOC moved to quash Plaintiffs’ subpoena on August 28, 2024, ECF No. 204, and Plaintiffs’ response is due September 11, 2024; and

Whereas significant discovery remains to be conducted in this case notwithstanding the parties’ efforts to date. The parties, however, concede that the outcome of the upcoming evidentiary hearing and/or the Court’s order on the pending motion for judgment on the pleadings could impact the scope of discovery necessary for this case. The parties therefore believe a stay of discovery is necessary and appropriate under these circumstances.

IT IS THEREBY STIPULATED AND AGREED:

1. Plaintiffs herein agree to (1) withdraw their opposition to Defendants' motion to stay, ECF No. 186; and (2) retract their subpoena, and amended subpoena to depose the MDOC (without prejudice to their later right to reserve at a later time), thereby mooting the MDOC's pending motion to quash, ECF No. 201;
2. The parties hereby request an order staying discovery until the Court issues an order following the upcoming evidentiary hearing and issues an order on Defendants' pending motion for judgment on the pleadings, whichever occurs last.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: September 12, 2024

SO STIPULATED:

/s/Rebekah L. Bailey

Rebekah L. Bailey (0389599)
Attorney for Plaintiffs

Dated: September 11, 2024

/s/Joshua S. Smith

Joshua S. Smith (P63349)
Attorney for MDOC
Defendants

Dated: September 11, 2024